

Part Two – Global Consent Decree Status Summary Report Hamilton County/City of Cincinnati, Ohio

I. MAJOR REMEDIAL MEASURES / PROGRESS STATUS *(cont.)*

Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
XI	Remedial Measures Addressing Nine Minimum Controls (cont.)	D. Non-High Water Dry Weather Combined Sewer Overflows: The report was submitted on October 15, 2004. EPA comments were received by MSD on January 7, 2005. The final report was submitted on February 9, 2005. US EPA approval was received by MSD on May 10, 2005.
		E. Control of Solid and Floatable Materials in CSOs: Submitted the "Control of Solid and Floatable Materials in CSOs Revised Report on June 10, 2005. Received approval of Revised Report dated July 28, 2005.
XII	Compliance with Effluent Limitations; Monitoring, Record Keeping and Reporting Requirements; And Maintenance Requirements at Wastewater Treatment Plants	Per Section 12 of the Global CD, MSD provides the summary data below.

Summary of Permit Excursions October 2007 through December 2007

There are approximately 253 concentration or load permit limit conditions and approximately 660 continuous monitoring permit limit conditions that must be met per month. There are approximately 759 concentration or load permit limit conditions and approximately 1960 continuous monitoring permit limit conditions that must be met per quarter.

See Attachment D for the exceptions to complying with the NPDES permit conditions. Letters explaining the reasons for non-compliance are sent to Ohio EPA monthly.

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I. MAJOR REMEDIAL MEASURES / PROGRESS STATUS *(cont.)*

WATER – IN – BASEMENT PROGRAM (Section XIII and Exhibits 6, 7 and 8)

Per Section 13.A, 13.B and 13.C of the Global CD, MSD provides the following summary data:

Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
XIII.A	Prevention of Water-In-Basement (Exhibit 6)	As Per the reporting requirements set forth in Section XV.C.1 of the Global Consent Decree, <u>PART TWO, ATTACHMENT A</u> contains the dates and addresses of all requests for installation of devices, the date and disposition of any such requests (including what type of device, if any, was installed), the address, date, and disposition of any other investigations or installations that the Metropolitan Sewer District of Greater Cincinnati initiates under the program.
XIII.B	Water -In – Basement Customer Service Program Plan (Exhibit 7)	As Per the reporting requirements set forth in Section XV.C.1 of the Global Consent Decree, <u>PART TWO, ATTACHMENT B</u> contains the dates and addresses of each customer that requested customer service under the program, the date of the request, and disposition of any such requests (including service requests denied, initial investigation completion and clean up completion.), that the Metropolitan Sewer District of Greater Cincinnati initiates under the program.
XIII.C	Water -In – Basement Claims Process Plan (Exhibit 8)	As Per the reporting requirements set forth in Section XV.C.1 of the Global Consent Decree, <u>PART TWO, ATTACHMENT C</u> contains the dates, addresses, and amounts of all claims. The disposition of any such claims, amounts paid, and date of the disposition or whether the claim is pending, that the Metropolitan Sewer District of Greater Cincinnati initiates under the program.

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I. SUPPLEMENTAL ENVIRONMENTAL PROJECTS

Per Section 14 and Exhibit 9 of the Global CD, MSD provides the following summary data:

Completion after Date of Entry (6-9-2004)	Estimated Project Cost per Exhibit 9	Total Cost Expended as to date <u>Design /</u> <u>Construction</u>	Cost Expended this Quarter <u>Design /</u> <u>Construction</u>	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
Caldwell Seymour Greenway and Ecological Restoration Project -- \$4,750,000				
SEP#1 - Stream bank restoration in Mill Creek, Reach 1: North Bend Road Bridge to Seymour Avenue Bridge (Phase one, Sewer No: 5576, CIP 2004-33) SEP# 2 - Stream bank restoration in Mill Creek Reach 2A: Seymour Avenue Bridge to Seymour Creek Confluence (Phase Two, Sewer No. 5576, CIP 2004-33) SEP#4 - Caldwell Seymour Greenway Trail (Phase Three, Sewer No. 5576, CIP 2004-33)				
SEP#1 - Within 42 months of the Entry of CD	\$1,600,000	Total of SEP # 1, #2, and #4 \$612,208.69/\$605,309.98	Total of SEP # 1, #2, and #4 \$0 / \$565,291.74	For SEP #1 and #2 The construction began July 16, 2007. Reach 1 is as of November 30, 2007 substantially complete.
SEP#2 - Within 24 months from completion of Item 1	\$2,100,000			Work on Reach 2 is proceeding in areas available to the contractor. There is one remaining land owner in reach 2 requiring an easement, CSX RR. This is now delaying work on parts of Reach 2.
SEP# 4 Within 18 months from completion of Items 1 and 2	\$1,050,000			For SEP #4 Attempts to obtain maintenance and emergency vehicle access easements with neighboring land owners are still ongoing. They are not critical to the ecological and construction project but are necessary to the operation and maintenance of the greenway trail. Neither the Railroad nor the Conservancy District has signed a usage agreement for the Greenway Trail. We are still working with both to obtain Agreements.

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II. SUPPLEMENTAL ENVIRONMENTAL PROJECTS *(cont.)*

Per Section 14 and Exhibit 9 of the Global CD, MSD provides the following summary data:

Completion after Date of Entry (6-9-2004)	Estimated Project Cost per Exhibit 9	Total Cost Expended as to date <u>Design /</u> <u>Construction</u>	Cost Expended this Quarter <u>Design /</u> <u>Construction</u>	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
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In-stream Habitat restoration Project -- \$250,000 (Sewer No. 5576C, CIP 2004-34)				
SEP#5 - Hopple Street Project Within 24 months of the Entry of CD	Total SEP #5 and #6 \$250,000.00	Total of SEP #5 and #6 \$29,298.38 / \$309,052.00	Total of SEP #5 and #6 \$0 / \$0	For SEP #5 and #6 Both locations are completed. Project is now in the warranty period.
SEP#6 - Gest Street Project Within 24 months of the Entry of CD				

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II. SUPPLEMENTAL ENVIRONMENTAL PROJECTS *(cont.)*

Per Section 14 and Exhibit 9 of the Global CD, MSD provides the following summary data:

Completion after Date of Entry (6-9-2004)	Estimated Project Cost per Exhibit 9	Total Cost Expended as to date <u>Design /</u> <u>Construction</u>	Cost Expended this Quarter <u>Design /</u> <u>Construction</u>	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
Village of Elmwood Place Facility remediation -- \$355,000 (Sewer No. 5576D, CIP 2004-35)				
<p>SEP #3 –</p> <p>Within 24 months of the Entry of CD</p> <p>(Time extension to Oct 9, 2006 was approved by USEPA) (A second time extension to Feb. 6, 2007 was approved by USEPA.)</p>	<p>Total of \$355,000 for both stabilization of Bank and installation of leachate control system</p>	<p>\$224,985.96 / \$1,052,811.70</p>	<p>\$0 / \$0</p>	<p>Contractor continues to do warrantee work.</p>

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II. SUPPLEMENTAL ENVIRONMENTAL PROJECTS *(cont.)*

Per Section 14 and Exhibit 9 of the Global CD, MSD provides the following summary data:

Total Cost of Environmental Consulting Service Contract	Total Cost Expended as to date	Cost Expended This Quarter	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
Mill Creek Restoration Project Consulting Services -- \$60,000 (Sewer No. 5576E, CIP 2004-36)			
\$60,000	\$59,315.95 / \$0	\$0 / \$0	Consultant continues to attend the weekly progress meetings for SEP 1, 2 & 4. No invoices have been received this quarter.

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III. PTIs APPLIED / ISSUED

Per *Section 15* of the Global CD, MSD provides the following summary data:

During Q4 2007, MSD applied for six PTIs from OEPA. During Q4 2007, OEPA issued MSD two PTIs.

PROJECT NAME Sanitary Sewer #, CIP	PTI SUBMITTED	PTI RESUBMITTED	PTI ISSUED	COMMENTS
Little Miami WWTP Activated sludge (S.S. 5851, CIP 2006-31)	08/30/2007		10/25/2007	WWIP ID 70780
Mu. Cr East Branch Interceptor Reloc. (S.S.# 4884 , CIP 98-19-01)	10/31/2007			WWIP ID 31000
Mu. Cr East Branch CSO Reloc. (S.S.# 5382, CIP 01-14-01)	10/31/2007			WWIP ID 30780
Polk Run WWTP Improvements Ph 3B (S.S. #4989, CIP 1998-85-3B)	10/09/2007		11/06/2007	WWIP ID 50010
CSO 191 Production Drive Grating (S.S. #5842, CIP 2007-25)	11/15/2007			WWIP ID 42440
1852 Columbia Parkway Sewer Replace. (S.S. 35782, CIP 2005-24)	11/28/2007			WWIP ID 44440
Mu. Cr E.B. Interceptor P.S. #1 (S.S. #4884, CIP 98-19-3A)	12/21/2007			WWIP ID 31003

Note: WWIP = Wet Weather Improvement Plan

IV. COMPLIANCE/NON-COMPLIANCE SUMMARY

Per *Section 15.A* and *Section 15.C* of the Global CD, MSD provides the following summary data:

COMPLIANCE

Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
III.F	Binding Effect	MSD is in compliance with this Section of Global Consent Decree.
XXII.B	Civil Penalty	MSD has made the payments with letters of notification to DOJ/USEPA, AOG/OEPA and ORSANCO prior to the due date 6/24/2004 as set forth in this section of Global CD.

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IV. COMPLIANCE/NON-COMPLIANCE SUMMARY *(cont.)*

NON-COMPLIANCE

Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
XII	Compliance with Effluent Limitations; Monitoring, Record Keeping and Reporting Requirements; And Maintenance Requirements at Wastewater Treatment Plants	See Attachment D for chart listing specific excursions for the 4th Quarter 2007 October 1 – December 31, 2007.
XIII.B	<p><u>WATER – IN – BASEMENT PROGRAM</u></p> <p>Water-in-Basement Customer Service Program (Exhibit 7. IV)</p>	<p>The following is a summary of the 4th quarter of 2007:</p> <p>The 4th quarter of 2007 had 938 WIB calls for service. Of those 938 calls 270 were received during a rain event. All rain event calls met the mandated initial response time. This quarter included 11 rain events.</p> <p>67 of the 938 WIB service requests were confirmed WIB cleanups.</p> <p>19 WIB claims were offered settlements in the 4th quarter of 2007. Total dollar amount for settlements offered in this quarter of 2007 was \$41,550. 18 of the 19 settlements were completed within the mandated time requirements of the consent decree.</p> <p>14 claims are in process as of 12/31/2007. 9 of 14 Claims In Process are within the mandated time requirements of the consent decree. One WIB claims were denied as of 12/31/2007. The denial was presented beyond the mandated time requirement.</p>

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V. REMEDIAL MEASURES ANTICIPATED COMPLETION DELAY SUMMARY

Per *Section 15.A* of the Global CD, MSD provides the following summary data:

Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
VI	Capital Improvement Projects (Exhibit 1)	<ul style="list-style-type: none"> Ross Run CSO 487 Twin Outfall (Real Time Control): Construction progresses but has encountered delays in actuator delivery and securing two access agreements for installing telemetry equipment. Efforts are being made to minimize this impact. It is not expected that the completion date for the evaluation, optimization and protection will be delayed. Mitchell Avenue CSO 482 Outfall (Real Time Control): Design is not yet ready for bidding due to issues concerning easement and construction access agreements. The inflatable dam has been pre-purchased to mitigate this delay's impact on future construction. Additional mitigation measures, including reduced bidding time and construction contract acceleration, are being investigated to ensure that the completion date for evaluation, optimization and protection will not be impacted. Badgeley Run CSO 125 Outfall (Real Time Control): Design is not yet ready for bidding due to issues concerning outstanding easement agreements. The inflatable dam has been pre-purchased to mitigate this delay's impact on future construction. Additional mitigation measures, including reduced bidding time and construction contract acceleration, are being investigated to ensure that the completion date for evaluation, optimization and protection will not be impacted. Eastern and Delta Sewer Separation Phase 1 – HW/DW: Design of the Phase 1 work has been delayed due to new information from the designer regarding the hydraulic relationships between all phases of this work. Phase 1, it is now known, must have construction completed before construction completion of all other phases. Being the earliest phase, the Little Miami WWTP Real Time Control is now included with this Phase 1 work and must be operational on the Phase 1 completion schedule. Additional mitigation measures, including construction contract acceleration, are being investigated to mitigate the projected six-week delay in the substantial completion date of March 23, 2010, established for this Phase 1 project. Eastern and Delta Sewer Separation Phase 2 – HW/DW: Progress of the design work has been delayed due to the need to re-sequence this project. Phase 2, although reported in June 2006 as the project requiring the earliest completion, is now known to hydraulically follow completion of Phase 1 construction to avoid significant temporary pumping until the downstream sewer is available. The substantial completion date of November 5, 2009, approved for this project in June 2006, was requested in error and will not be achieved. It is expected that Phase 2 will be completed approximately one year after Phase 1, consistent with the duration identified in the Consent Decree. Additional mitigation measures are being investigated to improve the projected completion date. A Notification of Requested Time Extension letter is being prepared to further explain this situation and provide the proposed completion date.

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Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
VI (cont.)	Capital Improvement Projects (Exhibit 1) (cont.)	<ul style="list-style-type: none"> • Eastern and Delta Sewer Separation Phase 3 – HW/DW: Progress of the design work has been delayed due to the re-sequencing of the Phase 2 project. Phase 3 continues to require completion of Phase 2 before Phase 3 construction can be completed. The projected one-year lag between Phase 2 and Phase 3 completions, as reported in June 2006, has been reduced to ten-months through mitigation efforts. The substantial completion date of November 10, 2010, approved for this project in June 2006, was requested in error and will not be achieved. Additional mitigation measures are being investigated to improve the projected completion date. A Notification of Requested Time Extension letter is being prepared to further explain this situation and provide the proposed completion date. • East Branch Muddy Creek Interceptor Relocation – Phase I-B, Interceptor Relocation East: Design work for Phase I-B has been delayed due to new information from the designer regarding the need to have construction of Phase I-A (which remains on schedule) completed before construction of Phase I-B can start. Additional mitigation measures, including construction contract acceleration, are being investigated to mitigate the projected twenty-five month delay in the substantial completion date of December 31, 2010, established for this project. Relocation of a property owner's laterals that are connected directly to the existing interceptor (in both Phases I-A and I-B) as well as the abandonment of that existing interceptor are delayed until after Phases I-B and I-C are complete and operational. • East Branch Muddy Creek CSO HW/DW Relocate and/or Eliminate (CSOs 411 – 416 only): These CSO relocations/eliminations are in the Phase I-B area and must be coordinated with that project. Therefore, the work has been delayed along with the Phase I-B work by the need to have construction of Phase I-A completed before construction can start. Additional mitigation measures, including construction contract acceleration, are being investigated to mitigate the projected fifteen-month delay in the substantial completion date of December 31, 2010, established for this project. • East Branch Muddy Creek P.S. Relocation, Phase I-C: Design work for one pump station located in the Phase I-B area has delayed Phase I-C as both are now planned to start construction at the same time. Additional mitigation measures, including construction contract acceleration, are being investigated to mitigate the projected six-month delay in the substantial completion date of December 31, 2010, established for this project.

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VI. MONTHLY SUMMARIES OF ANY CSO OR BYPASS INFORMATION

Per *Section 15.B* of the Global CD, MSD provides the following summary data:

Section Number	Section Name	Summary Status: 4th Quarter 2007 (10/1 – 12/31)
--		MSD had no reportable CSO or BYPASS occurred during Q4 2007 which was caused by the failure to comply with Operation and Maintenance (O&M) Program (SSO CD Exhibit 7), Pump/lift Station O&M Procedures, O&M requirements of Current Permits applicable to Sewer System or WWTPs.
--		MSD had no reportable CSO or BYPASS occurred during Q4 2007 which was caused by the failure to comply with Operation and Maintenance (O&M) Program (SSO CD Exhibit 7), Pump/lift Station O&M Procedures, O&M requirements of Current Permits applicable to Sewer System or WWTPs.